

September 25, 2002

MEMORANDUM FOR DISTRIBUTION

SUBJECT: STATEWIDE PERMIT NO. 6 - MINOR, NON-OBSTRUCTIVE
FLOODWAY CONSTRUCTION ACTIVITIES

Attached for your information is a copy of Department of Natural Resources, Office of Water Resources Statewide Permit No. 6 which has been issued to authorize minor, non-obstructive construction activities in the floodway land area of Illinois rivers, lakes and streams. This permit has been issued pursuant to the Rivers, Lakes and Streams Act, 615 ILCS 5 (2000 State Bar Edition) and supersedes an earlier version of Statewide Permit No. 6 issued May 13, 1983. All earlier versions of Statewide Permit No. 6 are revoked.

The referenced Act requires the Department to regulate construction within public bodies of water and within floodways of streams draining ten (10) square miles or more in rural areas and one (1) square mile or more in urban areas. Among the purposes of the regulatory program are the protection of public interests in the public bodies of water, the preservation of the flood carrying capacity of streams and the prevention of significant increases in potential flood damages. The issuance of the Statewide Permit No. 6 represents, in part, the Department's ongoing effort to accomplish these purposes while reducing regulatory costs and burden on the public.

If a proposed construction activity meets the terms and conditions of Statewide Permit No. 6, it is not necessary to submit an application or plans to the Department. As indicated by special condition 3, however, if there is any question of the permissibility of an activity under the permit, the Department must be contacted for a determination.

For additional information regarding Statewide Permit No. 6 or its applicability, contact the Downstate Regulatory Programs Section in Springfield (217/782-3863) or the Northeastern Illinois Regulatory Programs Section in Schaumburg (847/705-4341).

Attachment

ILLINOIS DEPARTMENT OF NATURAL RESOURCES
OFFICE OF WATER RESOURCES
ONE NATURAL RESOURCES WAY
SPRINGFIELD, ILLINOIS 62702-1271

STATEWIDE PERMIT NO. 6

AUTHORIZING MINOR NON-OBSTRUCTIVE
FLOODWAY CONSTRUCTION ACTIVITIES

PURPOSE

The purpose of this Statewide Permit is to authorize the construction of minor floodway activities which, by complying with the terms and conditions of this permit, are determined to have insignificant impact on those factors which are under the jurisdiction of the Department of Natural Resources, Office of Water Resources (IDNR/OWR). It is not necessary to submit applications to or obtain individual permits from IDNR/OWR for floodway construction activities complying with this permit. If a project would not meet the terms and conditions of this permit, a formal permit application must be submitted for review and appropriate determination.

APPLICABILITY

This permit applies to the floodway land of all Illinois rivers, lakes and streams under the Department's jurisdiction except Lake Michigan and those in Lake, McHenry, Cook, DuPage, Kane and Will Counties for which regulatory floodways have been designated pursuant to 17 Illinois Administrative Code 3708, but does not authorize any project which conflicts with a federal, state or local project, improvement or rule.

The following activities (not involving fill or positive change in grade) are covered by this permit:

1. The construction of underground utility lines not crossing a lake or stream, wells, and septic tanks;
2. The construction of light poles, sign posts and similar structures;
3. The construction of sidewalks, driveways, athletic fields (excluding fences), patios and similar surfaces which are built at grade;

4. The construction of properly anchored, unwallled, open structures such as playground equipment, pavilions, and carports;
5. The placement of properly anchored buildings not exceeding seventy (70) square feet in size, nor ten (10) feet in any dimension (e.g. animal shelters and tool sheds). Only one such building on a property shall be authorized by this permit. If such a building already exists on a property, this permit does not authorize any additional building; and
6. The raising of existing buildings, provided no changes are made to the outside dimensions of the building and provided the proposed raising would not involve the placement of fill to accomplish the raising. The backfilling of an existing basement is permissible.

Other minor construction activities (including those involving fill or positive change in grade), although not specifically listed above, may comply with the intent of this Statewide Permit and, therefore, may be authorized by this permit. For those projects not specifically listed, however, plans must be submitted to the IDNR/OWR for review and an appropriate determination.

SPECIAL CONDITIONS

1. This permit does not authorize any construction in the normal channel, i.e. below the usual overtopping or flooding elevation, of any river, lake or stream.
2. In the event the placement of fill material is necessary to accomplish the purpose of the project, the normal application for permit process must be followed or plans may be submitted to the IDNR/OWR for an initial review and an appropriate determination as to whether or not this statewide permit is applicable to the project. This permit does not authorize the placement of any fill material (except for the backfilling of an existing basement as indicated in item 6 above) or positive change in grade in the floodway in conjunction with any of the 6 specified activities noted under "Applicability."
3. If there is any question of the permissibility of any activity under this permit, the IDNR/OWR shall be contacted for a determination.

GENERAL CONDITIONS OF THE STATEWIDE PERMIT

1. This permit is granted in accordance with the Rivers, Lakes and Streams Act, 615 ILCS 5 (2000 State Bar Edition).
2. This permit does not convey title to any permittee or recognize title of any permittee to any submerged or other lands, and furthermore, does not convey, lease or provide any right or rights of occupancy or use of the public or private property on which the project or any part thereof will be located, or otherwise grant to any permittee any right or interest in or to the property, whether the property is owned or possessed by the State of Illinois or by any private or public party or parties.
3. This permit does not release any permittee from liability for damage to persons or property resulting from the work covered by this permit, and does not authorize any injury to private property or invasion of private rights.
4. This permit does not relieve any permittee of the responsibility to obtain other federal, state or local authorizations required for the construction of the permitted activity; and if the permittee is required by law to obtain approval from any federal or other state agency to do the work, the authorization is not effective until the federal and state approvals are obtained.
5. In issuing this permit, the Department of Natural Resources does not approve the adequacy of the design or structural strength of any structure or improvement authorized by this permit.
6. This Statewide Permit shall remain in effect until such time as it is modified, suspended, or revoked by the Department of Natural Resources.

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This Statewide Permit was issued on September 15, 1993 and last modified or corrected September 25, 2002.

APPROVED:

Brent Manning, Director
Department of Natural Resources

EXAMINED AND RECOMMENDED:

Martin J. Stralow, Manager
Division of Water Resource Management

APPROVAL RECOMMENDED:

Donald R. Vonnahme, Director
Office of Water Resources